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C O N F I D E N T I A L SECTION 01 OF 02 RIYADH 006926

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SUBJECT: UN HUMAN RIGHTS COUNCIL -- SAG SAYS SAME OLD, SAME
OLD

REF: 06 RIYADH 04854

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Classified By: Deputy Chief of Mission Michael Gfoeller
for reasons 1.4 (b) and (d).

¶1. (C) Summary. Government of Saudi Arabia (SAG) MFA Human Rights POC Turki Al-Madi told Acting Political Counselor and PolOff during an August 16 courtesy call that the UN Human Rights Council is not an improvement on its predecessor, the UN Human Rights Commission, especially since the U.S. is not a member of the Council. He said the Council continues to emphasize politics over human rights. The Council will continue its first session until April 2007 in order to finish review and revision of its mandates, methods, and procedures. There is still no consensus on thematic issues for future sessions. According to Al-Madi, the membership structure ensures that African and Asian countries dominate the Council, often taking positions contrary to U.S. policies and priorities. The Council's procedures make it easier to call special sessions, e.g., on "occupied Palestinian territories" and Lebanon, than had been the case under the Commission. End Summary.

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¶2. (C) PolOffs paid a courtesy call on MFA Human Rights POC Turki Al-Madi on August 16, during which he noted that the KSA will maintain a low profile on the UN Human Rights Council during its three year term (2006 - 2009) because of human resource constraints. Saudi Arabia will work through the Asian Group and focus on improving the Council's mandate, procedures, appointments, and code of conduct.

¶3. (C) Al-Madi indicated that the KSA will focus on reducing the number of UN special rapporteurs in order to reduce costs, duplication, and contradictory recommendations, as well as improve effectiveness. He estimated the 40 special rapporteurs cost between USD 15 to 20 million annually and emphasized that the mandates of many could be merged. However, he predicted EU opposition to this approach, especially France, since it was the creator of many of the mandates. He said that any changes to the special

rapporteur mandates must be agreed to by consensus, making major reforms unlikely.

¶4. (C) Al-Madi said that Cuba, China, Russia, and Egypt remain very active in the Council just as they had been in the Commission. He said that these countries are fighting to retain in the Council the same functions and focus as in the Commission. (NOTE: Al-Madi did not elaborate on Egypt's role in the Council given it is not currently a Council member. END NOTE).

¶5. (C) Al-Madi stated that the Council's procedures make it easier to hold special sessions since only 16 of the 47 Council members are needed to approve these sessions, whereas the Commission's procedures required that 50 percent plus one -- or 27 votes -- were required to call for a special session. Consequently, despite previous SAG assurances to the contrary, the Council held a special session about Lebanon on August 11 (reftel). He also said that the Council's declaration on indigenous peoples is non-binding and should be of little concern to the U.S. He reiterated that one of the reasons the SAG voted for the declaration was because of its non-binding nature.

¶6. (C) Al-Madi reported that the the EU and Finland have already approached the SAG in Riyadh regarding human rights issues. He said the EU is in a hurry for the Council to take action on the death penalty. He also said that Finland is pushing the SAG to agree to make sexual orientation a priority and a separate human rights issue. Al-Madi said there is no need to treat sexual orientation separately since it is already covered under non-discrimination. Al-Madi also argued that "sexual orientation" is "an attitude" and "a behavior," not "a right." (NOTE: Al-Madi has previously told PolOff on several occasions that cultural and religious reasons preclude the SAG from agreeing to provide protections for homosexuals or to prohibit discrimination based on sexual orientation. END NOTE).

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¶7. (C) Al-Madi predicted that it will be difficult for the USG to ensure that the most qualified countries are elected to the Council, claiming that the number of candidates for election to the Council is being kept low in order to preclude competition, thus ensuring the election of certain countries. He said the regional groups want to prevent a real choice among alternative candidates. For example, in May 2006, there were 13 candidates for 13 African seats. Consequently, Al-Madi predicted that Sudan and Zimbabwe will be elected to the Council in 2007. Electing such members only further reinforces the political nature of the Council.

¶8. (C) Al-Madi suggested that the only way to de-politicize the Council would be if real human rights experts rather than countries comprised its membership. Al-Madi added that, if anything, the Council is even more politicized than the Commission. He asked rhetorically if the U.S. will have to carry through on its threat to eliminate the Council since it has not been an improvement over the Commission. Al-Madi also predicted that the use of Universal Periodic Reviews (UPRs) will lead to "disasters" because countries will fight such reviews or any criticism. He predicted that consensus will be broken by the call for votes on individual UPRs and wondered how the U.S. will be able to deal with Cuba and China while the U.S. is not a member of the Council.

¶9. (SBU) Claiming that the U.S. seldom explained its votes as a member of the Commission, Al-Madi advised that other countries would better understand U.S. policies and values if it explained the logic behind its votes. He claimed that these explanations could better build consensus and support. According to Al-Madi, the SAG would welcome the U.S. as a member of the Council. Al-Madi implied that U.S. leadership in the Council is needed if the Council is become an improvement on the old Human Rights Commission. While

Al-Madi lamented the absence of the U.S. on the Council, he stressed that the KSA and U.S. share similar views on such issues as abortion, sexual orientation, and condemnation of Cuba and China. (NOTE: In urging the U.S. to better explain its policies and priorities, Al-Madi implied that the U.S. could gain broader acceptance of its positions as well as make it easier for countries to openly support the U.S. in fora such as the Council. END NOTE).

COMMENT

¶10. (C) Al-Madi was relatively frank in his analysis of the Council, its lack of effectiveness, and what he sees as key issues. The SAG sees USG participation on the Council as a necessity -- even though Al-Madi believes this will not be enough to turn it into a fully functioning human rights body.

Despite Al-Madi's acknowledgement of SAG-USG commonalities and the hope he conveyed that the U.S. will be a partner on Council-related efforts, the SAG's position on the indigenous peoples declaration and the special sessions on Lebanon and Palestinians are a clear reminder that it has its own priorities. END COMMENT.

OBERWETTER